

169.02 DEFINITIONS.

Unless otherwise indicated in this Chapter, the following definitions shall apply:

(a) "Active Pay Status" includes an employee currently receiving compensation from the County of Summit for hours worked or approved leave which includes but is not limited to, vacation leave, sick leave, leave donation, personal leave, compensatory time, precinct election judge official leave, non-personal court leave, holiday and administrative leave.

169.18A EMPLOYEES SERVING AS SUMMIT COUNTY PRECINCT ELECTION OFFICIALS

(a) Upon certification by the Executive's Director of Finance and Budget, that funds are available and appropriated, for any general, primary, or special election in all or part of the County, employees of any appointing authority may volunteer to be assigned to work as precinct election officials under the supervision of the Summit County Board of Elections. Additionally, for any general, primary, or special election in all or part of the County, appointing authorities may, in their sole discretion, assign employees to work as precinct election officials under the supervision of the Summit County Board of Elections. To be eligible to serve as a precinct election official, the employee shall meet the qualifications to serve as a precinct election official as defined in Section 3501.22 of the Ohio Revised Code and the Summit County Board of Elections must authorize and/or permit such service as a precinct election official. Each appointing authority shall permit employees to volunteer and/or assign employees, as the case may be, based on the seniority of similarly situated employees and operating needs of the agency. Employees who volunteer and/or are assigned by their appointing authority, as the case may be, under this section, shall be deployed by the Summit County Board of Elections as replacement precinct election officials and shall only be used to fill in for precinct election officials in the event a shortage of precinct election officials exists for any general, primary, or special election in all or part of the County.

(b) Under Section 3501.28(F) of the Ohio Revised Code, any employee may volunteer or be assigned to work as a precinct election official on the day of an election, and, in addition to other compensation set forth in this Section, shall receive their ordinary rate of pay for the ordinary number of hours scheduled to work on that day. All such compensation shall be paid from the County General Fund or reimbursed by the General Fund when paid from a non-general fund. Additionally, employees volunteering for or assigned to work as precinct elections officials, regardless of whether they are exempt or non-exempt under the Fair Labor Standards Act, shall qualify for overtime as defined in Section 169.06(c) of these Codified Ordinances, in the form of 1.5 hours of compensatory time for all hours worked on the day of the election in excess of their ordinarily scheduled hours.

(c) Employees assigned to work as precinct elections officials shall additionally be permitted to receive compensation under Subsections 3501.28(B) to (D) of the Ohio Revised Code for the time worked on the day of the election and any pre-election training required by the Summit County Board of Elections.

(d) During such time that employees are assigned to work as precinct election officials, such employees shall work under the supervision of the Summit County Board of Elections and shall be subject to the policies and procedures established by the Summit County Board of Elections for the conduct of precinct elected officials, including disciplinary action for failure to properly carry out the duties of a precinct election official. While subject to such policies and procedures,

any discipline for violation of the same shall be at the discretion of the employee's ordinary Appointing Authority. Furthermore, such employees are subject to Subsection 3501.28(G) of the Ohio Revised Code for failure to obey the instructions of the Summit County Board of Elections or failure to comply with Ohio law regarding the duties of a precinct election official.

(e) All employee job classification specifications shall include the duties of precinct election officials when assigned under this section.

(f) Nothing contained in this Section is intended to negate nor supersede the provisions of any collective bargaining agreement to which the County is a party.

169.22 LEAVES OF ABSENCE.

(a) Definitions.

(1) Absence. The failure of an employee to report for work when the employee is scheduled to work.

(2) Approved absence. Approved absences are listed below:

A. Approved sick leave.

B. Bereavement.

C. County Emergency.

D. Disciplinary Suspension.

E. Precinct Election Judge Official Leave.

F. Family Medical Leave Act ("FMLA")/Americans with Disabilities Act ("ADA") related qualified/approved absences.

G. Court Leave.

H. Unpaid leave of absence.

I. Military Leave.

J. Paid/Unpaid Administrative Leave.

K. Personal Leave.

L. Vacations and Holidays.

M. Work related injury/illness.

N. Paid Parental Leave.

(3) Unapproved absence. An Unapproved Absence, which is subject to disciplinary action, up to and including termination, is defined as all other absences not listed above in Section 169.22(a)(2).

Examples of unapproved absences:

- A. Tardiness and leaving prior to the end of the employee's scheduled work day;
- B. Unapproved sick leave; or
- C. Periods of absence in excess of approved vacation leave.

(4) Excused absence. An Excused Absence occurs when all four of the following conditions are met:

- A. The employee provides sufficient notice to his or her supervisor;
- B. The reason is found credible or acceptable by his or her supervisor;
- C. Such absence request is approved by his or her supervisor; and

D. The employee has sufficient accrued leave time to cover such absence. Employees must take earned leave time for every absence unless otherwise allowed by Chapter 169 of these County Ordinances (e.g. Leave of Absence, Precinct Election Judge Official, Court Leave, Family and Medical Leave Act, etc.).

If it is necessary for an employee to be absent or late for work because of illness or an emergency, the employee must notify their supervisor no later than thirty (30) minutes prior to the employee's scheduled starting time on that same day. Only when valid reasons make prompt calling impossible should employees have to call beyond the start of the work schedule.

(5) Unexcused absence. An Unexcused Absence occurs when one of the four conditions of an Excused Absence is not met.

(6) Excessive absences. The County uses a twelve (12)-month period, the period immediately preceding the last absence, when determining an excessive amount of Excused and/or Unexcused Absences. Excessive absences may result in disciplinary action up to and including termination.

169.22 LEAVES OF ABSENCE

(f) Precinct Election Judge Official Leave. An employee who is granted leave by their appointing authority to serve as a precinct election judge official on the day of a primary or general election, for a board of elections outside of Summit County, shall be entitled to leave with pay, which shall not be charged against the employee's accrued vacation or personal leave. An employee shall only be eligible if they have combined accrued vacation and sick leave of at least forty (40) hours. An employee requesting leave to serve as an precinct election judge official for a board of elections outside of Summit County, shall complete an application for leave and submit such with an acknowledgement from the Board of Elections that the employee will be serving as an precinct election judge official. Requests to serve as an precinct election judge official may be granted at the discretion of the appointing authority based upon seniority in a department, division or section. When multiple requests for leave have been submitted, the appointing authority shall have the discretion to deny leave when it would cause a manifest hardship on the appointing authority's operations; or on another employee, or when the employee making the request has not discussed the request with their immediate supervisor, or director or administrator if the supervisor is absent.